

~~1280~~

No. 3604

1281

United States  
1 1281  
Circuit Court of Appeals

For the Ninth Circuit.

JOHN KOPPITZ,

Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA,

Defendant in Error.

Transcript of Record.

Upon Writ of Error to the United States District  
Court of the Territory of Alaska, Third  
Division.

FILED

JAN 13 1921

F. D. MCNOKTON,  
CLERK.



United States  
Circuit Court of Appeals  
For the Ninth Circuit.

---

JOHN KOPPITZ,

Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA,

Defendant in Error.

---

Transcript of Record.

---

Upon Writ of Error to the United States District  
Court of the Territory of Alaska, Third  
Division.

---



# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

---

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	Page
Assignments of Error. ....	14
Bail Bond. ....	16
Bond on Appeal. ....	4
Certificate of Clerk U. S. District Court to Transcript of Record. ....	24
Complaint for Violation of Alaska Bone Dry Law. ....	1
Decree. ....	10
Judgment. ....	10
Names and Addresses of Attorneys of Record..	1
Notice of Appeal. ....	3
Order Allowing, Settling and Certifying Bill of Exceptions. ....	23
Order Allowing Writ of Error and Fixing Bail and Cost Bond. ....	15
Petition for Writ of Error. ....	12
Transcript from Commissioner's Court.....	8
Undertaking on Writ of Error.....	18
Writ of Error. ....	21



**Names and Addresses of Attorneys of Record.**

WILLIAM A. MUNLY, U. S. Attorney, Valdez,  
Alaska,

For Plaintiff,

E. E. RITCHIE, Valdez, Alaska, B. O. GRAHAM,  
Cordova, Alaska,

For Defendant.

---

In the United States Commissioner's Court, for the  
Territory of Alaska, Third Division, Cordova  
Precinct, at Cordova.

No. 680.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ.

**Complaint for Violation of Alaska Bone Dry Law.**

SECTION ———.

John Koppitz is accused by Wm. L. Fursman in this complaint of the crime of violating the Alaska Bone Dry Law, an Act entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska and for other purposes," committed as follows, to wit:

The said John Koppitz, in the Territory of Alaska, and within the jurisdiction of this court, did, wilfully and unlawfully, on the 31st day of May, 1920, at Cordova, Alaska, be found drunk on the public streets, to wit, in said town of Cordova, contrary to the form of the statute in such case made and pro-

vided and against the peace and dignity of the United States of America.

WM. L. FURSMAN.

United States of America,  
Territory of Alaska,—ss.

I, Wm. L. Fursman, being first duly sworn, depose and say that the foregoing complaint is true.

WM. L. FURSMAN.

Subscribed and sworn to before me this 31st day of May, 1920.

[Seal]

R. H. L. NOAKS,

U. S. Commissioner and Ex-Officio Justice of the Peace, at Cordova, Alaska.

Plea—"Not Guilty."

Fined \$250.00 and costs.

Filed in the District Court, Territory of Alaska, Third Division. Jun. 7, 1920. Arthur Lang, Clerk. By C. H. Wilcox, Deputy. [1\*]

---

In the U. S. Commissioner's Court for the Territory of Alaska, Third Division, Cordova Precinct, at Cordova.

No. 680.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN KOPPITZ,

Defendant.

---

\*Page-number appearing at foot of page of original certified Transcript of Record.



**Notice of Appeal.**

To the United States of America, the Above-named Plaintiff, the Hon. WM. A. MUNLY, U. S. Attorney for said Territory and Division, and WM. L. FURSMAN, Private Prosecutor in the Above-entitled Action:

You will please take notice that John Koppitz, the above-named defendant, appeals from the decision and judgment given by Hon. R. H. L. Noaks, U. S. Commissioner and Ex-officio Justice of the Peace for the Cordova Precinct, Third Division, Territory of Alaska, in the above-entitled action on June 2, 1920, said action for which said defendant was tried, on his plea of Not Guilty, by the court without a jury on June 2, 1920, being a criminal complaint signed by Wm. L. Fursman, as private prosecutor, charging the said defendant with the crime of violating the "Alaska Bone Dry Law," which is an act entitled "To prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes," enacted by the United States Congress and approved February 14, 1917, and that on said trial the said defendant was found guilty by the said U. S. Commissioner and ex-officio justice of the peace, and upon said conviction it was ordered and adjudged by the said U. S. Commissioner and ex-officio justice of the peace that the said John Koppitz be fined the sum of Two Hundred and Fifty (\$250.00) Dollars, and costs of the action taxed at \$25.05, or be imprisoned in the Federal Jail not exceeding one hundred and twenty-five days.

Dated at Cordova, Alaska, this 2d day of June, 1920.

JOHN KOPPITZ,  
Defendant.

Service of a true and correct copy of the foregoing Notice of Appeal is hereby acknowledged at Cordova, Alaska, this 2d day of June, 1920.

WM. L. FURSMAN.

Private Prosecutor in the Above-entitled Action.

Filed in the District Court, Territory of Alaska, Third Division. Jun. 7, 1920. Arthur Lang, Clerk. By C. H. Wilcox, Deputy. [2]

---

In the U. S. Commissioner's Court for the Territory of Alaska, Third Division, Cordova Precinct, at Cordova.

No. 680.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN KOPPITZ,

Defendant.

**Bond on Appeal.**

KNOW ALL MEN BY THESE PRESENTS: That John Koppitz, as principal, and George Dooley and Tony Lynch, as sureties, are held and firmly bound unto the United States of America in the full sum of Five Hundred (\$500) Dollars, for the payment of which, well and truly to be made, we bind

ourselves, our heirs, executors, administrators, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this second day of June, 1920.

The conditions of the above undertaking are such that, whereas, the said John Koppits was, on the second day of June, 1920, in the above-entitled action and in the above-entitled court, before the Hon. R. H. L. Noaks, U. S. Commissioner and ex-officio justice of the peace in and for the Cordova Precinct, Third Division, Territory of Alaska, duly convicted of the crime of violating the Alaska Bone Dry Law, by being drunk in the public streets, in violation of an act entitled "To prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes," enacted by the Congress of the United States of America, and approved February 14, 1917, and upon said conviction it was ordered and adjudged by the said U. S. Commissioner and ex-officio justice of the peace, that the said John Koppitz be fined the sum of Two Hundred and Fifty (\$250.00) Dollars and costs of the action taxed at \$25.05, or be imprisoned in the Federal Jail not exceeding one hundred and twenty-five days.

WHEREAS, the said U. S. Commissioner and ex-officio justice of the peace on the second day of June, 1920, duly made and entered an order, admitting the said defendant to bail in the penal sum of Five Hundred (\$500.00) Dollars, pending an appeal to the District Court for the Territory of Alaska, Third Division; and

WHEREAS, the said John Koppitz is desirous of appealing and has filed proper notice of appeal from the decision and judgment of the said U. S. Commissioner and ex-officio justice of the peace, said notice having been served on the private prosecutor in the above-entitled action, to the District Court of the Territory of Alaska, Third Division.

NOW, THEREFORE, if the said John Koppitz fail to pay all the costs and disbursements that may be awarded against him on appeal, or shall fail to surrender himself in execution of judgment in case of conviction in the appellate court, or shall fail not to in all respects abide by and perform the orders of and judgments of the appellate court upon the appeal, we will pay to the United States of America the sum of Five Hundred (\$500.00) Dollars.

And should the said John Koppitz fully perform all the obligations required by this undertaking, then this obligation shall be void; otherwise it shall remain in full force and effect.

In Witness Whereof, we have hereunto set our hands and seals this 2d day of June, 1920.

JOHN KOPPITZ. (Seal)

GEORGE DOOLEY. (Seal)

TONY LYNCH. (Seal)

Filed in the District Court, Territory of Alaska, Third Division. Jun. 7, 1920. Arthur Lang, Clerk.  
By C. H. Wilcox, Deputy. [3]

United States of America,  
Territory of Alaska,—ss.

George Dooley and Tony Lynch, being first duly sworn each for himself, says: That he is a resident

of the Territory of Alaska, and the Third Judicial Division thereof; that he is not a counsellor or attorney at law, marshal or deputy marshal, commissioner, clerk of any court, or other officer of any court; that he is worth the sum specified in the foregoing undertaking and bond, over and above all his just debts and liabilities, and exclusive of property exempt from execution.

GEORGE DOOLEY.

TONY LYNCH.

Subscribed and sworn to before me this 2d day of June, 1920.

[Seal]

EDWARD F. MEDLEY,  
Notary Public for Alaska.

My commission expires October 11, 1921.

Taken and acknowledged before me the day and year above written, and the appeal in the above-entitled action is hereby allowed, and bail bond approved and allowed.

[Seal]

R. H. L. NOAKS,  
U. S. Commissioner and Ex-officio Justice of Peace,  
Cordova Precinct, Third Division, Territory of  
Alaska. [4]

---

In the United States Commissioner's Court for the  
Territory of Alaska, Third Division, Cordova  
Precinct, at Cordova.

No. 680.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ.

**Transcript from Commissioner's Court.**

## Violation Alaska Bone Dry Law.

May 31, 1920.

Complaint taken and filed charging John Koppitz with violating the Alaska Bone Dry Law, an act entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes," complaint verified by Wm. L. Fursman. . . . . 1.15

Warrant of arrest issued and placed in hand of Wm. L. Fursman, Deputy U. S. Marshal. . . 1.50

Warrant of arrest returned and filed endorsed as follows: "The within writ came to hand May 31, 1920, I executed the same by arrest of the within named defendant and now produce him in court, F. R. Brenneman, U. S. Marshal. By Wm. L. Fursman, Deputy." . . . .50  
June 2, 1920.

Subpoena for witnesses on behalf of plaintiff issued and placed in hand of Wm. L. Fursman, Dep. U. S. Marshal. . . . . .75

Subpoena for witnesses on behalf of plaintiff returned and filed endorsed as follows: "I certify that I received the within subpoena on the 2d day of June, 1920, by reading the same and showing the original and delivering a copy thereof to George Stewart, the person named therein at Cordova, Alaska, F. R. Brenneman, United States Marshal. By Wm. L. Fursman, Deputy U. S. Marshal." . . . . .50

The complaint and affidavit upon the warrant of arrest was issued was read to the de-



pendant,—the complaining witness being then and there—in court,—who entered a plea of “NOT GUILTY.”

The above-named defendant John Koppitz having been brought before me, R. H. L. Noaks, U. S. Commissioner and ex-officio justice of the peace, charged with violating the Alaska Bone Dry Law, and having pleaded “NOT GUILTY” to said charge, Wm. L. Fursman and Geo. Stewart were each sworn and testified on behalf of plaintiff, and thereafter defendant having no evidence to offer and the Court being fully advised in the law and the premises and by the Court found “GUILTY,” and nothing appearing why sentence should not be pronounced, it is hereby adjudged for the crime aforesaid said defendant John Koppitz be sentenced to pay a fine of \$250.00 and the costs of the action taxed at \$25.05 or be imprisoned in the Federal Jail not exceeding 125 days.

Taxing Costs .....	1.50
Issuing order in dup. to pay witnesses.....	.75

---

8.55

June 2, 1920.

Notice of appeal filed.....	.15
-----------------------------	-----

Appeal bond with George Dooley and Tony Lynch as sureties taken, approved, acknowledged and filed.....	1.65
--	------

United States of America,  
Territory of Alaska,—ss.

I, R. H. L. Noaks, U. S. Commissioner and ex-officio Justice of the Peace for the Territory of Alaska, Third Judicial Division, Cordova Precinct, at Cordova, DO HEREBY CERTIFY, that the above and foregoing is a full, true and correct copy and the whole thereof of the docket entries in the case of the United States vs. John Koppitz, No. 680, in my court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Cordova, Alaska, this 3d day of June, 1920.

R. H. L. NOAKS,  
U. S. Commissioner and Ex-officio Justice of the  
Peace.

Filed in the District Court, Territory of Alaska,  
Third Division. Jun. 7, 1920. Arthur Lang, Clerk.  
By C. H. Wilcox, Deputy. [6]

---

In the District Court for the Territory of Alaska,  
Third Division.

No. 797—CRIMINAL.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ.

**Judgment.**

This matter coming on for hearing upon the mo-



tion filed herein by the United States Attorney for the dismissal of the appeal taken herein by the defendant from the judgment entered in the United States Commissioner's Court for the Cordova Precinct, at Cordova, on the 2d day of June, 1920, on the grounds that said notice of appeal filed by the defendant was void for the reason that the same did not describe and identify the judgment entered in said Commissioner's Court, or describe with particularity the crime for which defendant was convicted; and it appearing that the grounds for said motion to dismiss said appeal are good and sufficient and that said notice of appeal filed by the defendant is void; and it further appearing that a bond for costs on appeal in the sum of Five Hundred Dollars has been filed herein, wherein George Dooley and Tony Lynch are sureties; it is ordered that said appeal be and the same is hereby in all respects dismissed, and it is further ordered that the judgment entered in the Commissioner's Court for the Cordova Precinct, at Cordova, on the 2d day of June, 1920, be entered herein;

It is therefore further ordered that said defendant John Koppitz pay a fine of Two Hundred and Fifty Dollars, and that he be imprisoned one day for every \$2.00 of such fine as he shall fail or refuse to pay, said imprisonment not to exceed one hundred and twenty-five days.

And it is further ordered and adjudged that the United States of America do have and recover of said defendant John Koppitz, and George Dooley and Tony Lynch, the said sureties on his appeal bond,

the costs of this prosecution taxed in the sum of \$94.20 Dollars, and that execution issue for the same.

Done in open court this 29th day of October, 1920.

FRED M. BROWN,

District Judge.

Filed in the District Court, Territory of Alaska, Third Division. Oct. 29, 1920. Arthur Lang, Clerk.

By C. H. Wilcox, Deputy.

Entered Court Journal No. 12, page No. 979. [7]

---

In the District Court for the Territory of Alaska,  
Third Division.

No. 680.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ,

Defendant.

**Petition for Writ of Error.**

Now comes the defendant, John Koppitz, and states that on October 29, 1920, the above-named court entered judgment herein in favor of the United States of America and against him, dismissing his appeal from a judgment rendered against him in Justice's Court, and further entering judgment and sentence against him ordering that he pay a fine of Two Hundred and Fifty Dollars and that he be imprisoned one day for every \$2 of such fine as he should fail or refuse to pay; in which judgment and in the proceedings had prior thereto in said cause certain errors were committed to the prejudice of

said defendant, all of which more fully appears from the assignment of errors filed with this petition.

Wherefore defendant prays that a writ of error may issue in his behalf out of the United States Circuit Court of Appeals for the Ninth Circuit, for the correction of the errors so complained of, and that a transcript of the record and proceedings with all things concerning the same duly authenticated be sent to said United States Circuit Court of Appeals for the Ninth Circuit.

And defendant further prays that an order be made fixing the amount of a bail bond for a superedeas of judgment and sentence pending proceedings in said appellate court.

B. O. GRAHAM and  
E. E. RITCHIE,  
Attorneys for Defendant.

Filed in the District Court, Territory of Alaska, Third Division. Nov. 6, 1920. Arthur Lang, Clerk. By C. H. Wilcox, Deputy. [8]

---

In the District Court for the Territory of Alaska,  
Third Division.

No. 680.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ,

Defendant.

**Assignments of Error.**

Now comes the defendant, John Koppitz, and makes the following assignments of error upon which he will rely in prosecution of the writ of error herein :

1.

The Court erred in entering judgment of dismissal of defendant's appeal from the judgment of the Justice's Court.

2.

The Court erred in entering judgment and sentence against defendant after dismissing defendant's appeal.

3.

The Court erred in entering any judgment against defendant based upon the complaint in the action.

WHEREFORE defendant, as plaintiff in error, prays that said judgment may be reversed, vacated and set aside, and the cause remanded to the District Court for such further proceedings as may, in the premises, seem proper.

**B. O. GRAHAM** and

**E. E. RITCHIE,**

Attorneys for Defendant and Plaintiff in Error.

Filed in the District Court, Territory of Alaska, Third Division. Nov. 6, 1920. Arthur Lang, Clerk.  
By C. H. Wilcox, Deputy. [9]

In the District Court for the Territory of Alaska,  
Third Division.

No. 680.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ,

Defendant.

**Order Allowing Writ of Error and Fixing Bail and  
Cost Bond.**

On this day came John Koppitz by his attorneys, B. O. Graham and E. E. Ritchie, and filed herein and presented to the Court his petition for the allowance of a writ of error, together with an assignment of errors to be urged by him; praying also that a transcript of the record and proceedings in said cause with all things concerning the same be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and further that the amount of bail for supersedeas and of a cost bond be fixed by the Court. On consideration whereof, the Court allows the writ of error as prayed for.

It is further ordered that a bail bond for the appearance of defendant, on supersedeas and stay of sentence, be given on behalf of said defendant in the sum of Five Hundred Dollars; and a bond for costs on appeal in the sum of Two Hundred and Fifty Dollars, each in the form required by law, with sufficient sureties to be approved by the Judge of this court, and that upon the filing and approval of said bonds, judgment and sentence herein be stayed.

It is further ordered that the sureties upon said bonds may justify before Kelly G. Robertson, Commissioner of Cordova Precinct, in the above-named territory and division.

Dated November 6, 1920.

FRED M. BROWN,  
Judge.

Filed in the District Court, Territory of Alaska, Third Division. Nov. 6, 1920. Arthur Lang, Clerk. By C. H. Wilcox, Deputy.

Entered Court Journal No. 13, page No. 14. [10]

---

In the District Court for the Territory of Alaska,  
Third Division.

No. 797.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ

**Bail Bond.**

A judgment having been given on the 29th day of October, 1920, whereby John Koppitz was condemned to pay a fine of Two Hundred and Fifty Dollars (\$250.00) and that he be imprisoned one day for every Two Dollars of said fine as he shall fail or refuse to pay, said imprisonment not to exceed one hundred and twenty-five (125) days, and he having appealed from said judgment and being duly admitted to bail in the sum of Five Hundred Dollars (\$500.00),—



We, George Dooley, a resident of the Town of Cordova, Territory of Alaska, hotel proprietor, and Tony Lynch, of the same place, dairyman, hereby undertake that the above-named John Koppitz shall in all respects abide and perform the orders and judgments of the Appellate Court upon the appeal, or, if he fail to do so in any particular, that we will pay to the United States the sum of Five Hundred Dollars (\$500.00).

Dated and signed at Cordova, Alaska, in the presence of K. G. Robinson, Esquire, United States Court Commissioner and ex-officio justice of the peace, this 8th day of November, 1920.

[K. G. Robinson—Seal—3d Div.]

GEORGE DOOLEY.

TONY LYNCH.

Taken and acknowledged before me the day and year first before written.

K. G. ROBINSON,  
United States Court Commissioner and ex-Officio  
Justice of the Peace for Territory of Alaska,  
Third Division, Cordova Precinct.

Filed in the District Court, Territory of Alaska,  
Third Division. Nov. 10, 1920. Arthur Lang,  
Clerk. By C. H. Wilcox, Deputy. [11]

United States of America,  
Territory of Alaska,—ss.

George Dooley and Tony Lynch, being first duly sworn, each for himself and not one for the other, deposes and says:

I am one of the sureties named in and who exe-

cuted the foregoing bond. I am a resident within the Territory of Alaska, and am worth the sum of Five Hundred Dollars (\$500.00), exclusive of property exempt from execution and over and above all just debts and liabilities. I am not a counsellor or attorney at law, commissioner, marshal, clerk of any court, or other officer of any court.

GEORGE DOOLEY.

TONY LYNCH.

Subscribed and sworn to before me this 8th day of November, A. D. 1920.

[K. G. Robinson—Seal—3d Div.]

K. G. ROBINSON,

United States Commissioner and ex-Officio Justice of the Peace for Territory of Alaska, Third Division, Cordova Precinct.

Approved November 10th, 1920.

FRED. M. BROWN,

District Judge. [12]

---

In the District Court for the Territory of Alaska,  
Third Division.

No. 797.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ

**Undertaking on Writ of Error.**

KNOW ALL MEN BY THESE PRESENTS,  
That we, John Koppitz, as principal, and George



Dooley and Toney Lynch, as sureties, are held and firmly bound unto the United States of America, the plaintiff above named, in the sum of Two Hundred Fifty Dollars (\$250.00), to be paid to the United States of America, or its assigns, the payment of which sum, well and truly to be made, we bind ourselves and each of our heirs and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 4th day of November, A. D. 1920.

The condition of the above obligation is such that—

WHEREAS, the above-named defendant, John Koppitz, is about to sue out a writ of error to the United States Circuit Court of Appeals for the Ninth Circuit, to reverse the judgment made and entered in the above-entitled court and cause on the 1st day of November, A. D. 1920:

NOW, THEREFORE, if the above-named defendant, John Koppitz, shall prosecute said writ of error to effect and answer all damages and costs that may be awarded against him if he shall fail to make said plea good, then this obligation shall be void; otherwise to be and remain in full force and effect.

JOHN KOPPITZ.

By E. E. RITCHIE,  
B. O. GRAHAM,  
EDWARD F. MEDLEY,  
His Attorneys.  
GEORGE DOOLEY,  
TONY LYNCH,  
His Sureties.

Filed in the District Court, Territory of Alaska,  
Third Division. Nov. 10, 1920. Arthur Lang,  
Clerk. By C. H. Wilcox, Deputy. [13]

United States of America,  
Territory of Alaska,—ss.

George Dooley and Tony Lynch, being first duly  
sworn, each for himself and not one for the other,  
deposes and says:

That he is one of the sureties named in and who  
executed the foregoing bond; that he is worth the sum  
of Two Hundred and Fifty (\$250.00) exclusive of  
property exempt from execution, and over and above  
all just debts and liabilities; that he is a resident of  
the Territory of Alaska, and of the Third Judicial  
Division of said Territory, and is not an attorney  
or counselor at law, marshal, commissioner, clerk of  
any court or other officer of any court.

GEORGE DOOLEY.

TONY LYNCH.

Subscribed and sworn to before me this 8th day of  
November, A. D. 1920.

[Seal]

B. O. GRAHAM,

Notary Public for the Territory of Alaska.

My commission expires April 24, 1922.

Approved November 10th, 1920.

FRED M. BROWN,

District Judge. [14]

In the District Court for the Territory of Alaska,  
Third Division.

No. 797.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ,

Defendant.

**Writ of Error.**

The President of the United States of America, to  
the Judge of the District Court of the Territory  
of Alaska, Third Division, GREETING:

Because, in the record and proceedings, as also in  
the rendition of the judgment which is in said Dis-  
trict Court before you, in a cause wherein the United  
States of America is plaintiff and defendant in error  
and John Koppitz is defendant and plaintiff in er-  
ror, manifest error hath happened, to the great  
damage of plaintiff in error, as by his assignments  
of error is made to appear; we being willing that error,  
if any hath been, shall be duly corrected and full and  
speedy justice done to the parties in this behalf, do  
command you, that under your seal you send the  
records and proceedings aforesaid, with all things  
concerning the same, to the Circuit Court of Appeals  
of the Ninth Circuit, together with this writ, so that  
you have the same in said Circuit Court of Appeals  
in the city of San Francisco, State of California, on  
the 10th day of December, 1920, that, said record and  
proceedings being inspected, said Circuit Court of  
Appeals may cause further to be done what of right

and according to the laws and customs of the United States and the Territory of Alaska ought to be done.

WITNESS, the Honorable EDWARD DOUGLASS WHITE, Chief Justice of the United States, this 10th day of November, 1920.

ARTHUR LANG,  
Clerk of the District Court, Territory of Alaska,  
Third Division.

Writ allowed by

FRED M. BROWN,  
Judge District Court, Territory of Alaska, Third  
Division.

Filed in the District Court, Territory of Alaska,  
Third Division. Aug. 10, 1920. Arthur Lang,  
Clerk. By C. H. Wilcox, Deputy. [15]

Service of the foregoing writ of error by delivery  
of a copy admitted, citation waived, and the appear-  
ance of the United States in the Circuit Court of Ap-  
peals is entered this 10th day of November, 1920.

WILLIAM A. MUNLY,  
United States Attorney.

Entered Court Journal No. 13, page No. 25. [16]

---

In the District Court for the Territory of Alaska,  
Third Division.

No. 797.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ,

Defendant.

**Order Allowing, Settling and Certifying Bill of  
Exceptions.**

A proposed bill of exceptions agreed upon in this cause by counsel for the parties respectively having been submitted to the Court and it appearing to the Court that said proposed bill of exceptions is in proper form and conforms to the truth:

IT IS ORDERED that the same is hereby approved, allowed and settled, and ordered filed as the bill of exceptions on writ of error herein and made a part of the record in the cause. Said bill of exceptions is made up as follows, to wit:

1. Complaint.
2. Notice of appeal from Justice Court.
3. Bond on appeal from Justice Court.
4. Transcript of record in Justice Court.
5. Judgment in District Court.
6. Petition for writ of error.
7. Assignments of error.
8. Order allowing writ of error.
9. Bail bond.
10. Undertaking for costs.
11. Writ of error with admission of service and waiver of citation.
12. This order allowing, settling and certifying bill of exceptions.

Done in open court this 22d day of November, 1920.

FRED M. BROWN,  
Judge District Court.

[Indorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 22, 1920. Arthur Lang, Clerk. By C. H. Wilcox, Deputy. [17]

---

In the District Court for the Territory of Alaska,  
Third Division.

No. 797—CRIMINAL.

UNITED STATES OF AMERICA

vs.

JOHN KOPPITZ.

**Certificate of Clerk U. S. District Court to Transcript  
of Record.**

United States of America,  
Territory of Alaska,—ss.

I, Arthur Lang, Clerk of the District Court for the Territory of Alaska, Third Division, do hereby certify that the hereto annexed seventeen pages, numbered from 1 to 17, inclusive, are a full, true and correct transcript of the records and files of the proceedings in the above-entitled cause, as the same appears on the records and files in my office; that the same is made in accordance with the praecipe of E. E. Ritchie, attorney for defendant, filed the 12th day of November, 1920.

I further certify that the foregoing transcript has been prepared, examined and certified to by me, and the cost thereof, amounting to \$7.85, was paid to me by E. E. Ritchie, Esq., attorney for the defendant and plaintiff in error herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Court at Valdez, Alaska, this 23d day of November, A. D. 1920.

[Seal]    ARTHUR LANG,  
Clerk of the District Court for the Territory of  
Alaska, Third Division.

---

[Endorsed]: No. 3604. United States Circuit Court of Appeals for the Ninth Circuit. John Kopitz, Plaintiff in Error, vs. The United States of America, Defendant in Error. Transcript of Record. Upon Writ of Error to the United States District Court of the Territory of Alaska, Third Division.

Filed December 3, 1920.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.



